

#18  
PATENT  
259/012  
(24729-7075)



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of: ) Group Art Unit: 3739  
LaFONTAINE, Daniel M., et al. )  
Serial No.: 09/713,749 ) Examiner: Ahmed M. Farah  
Filed: November 14, 2000 )  
For: ELECTROPHYSIOLOGY ENERGY )  
TREATMENT DEVICES AND )  
METHODS OF USE )

**Box AF**  
Commissioner for Patents  
Washington, D.C. 20231

**Response under 37 C.F.R. § 1.116**  
**Expedited Procedure**  
**Examining Group**

### **SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached form PTO/SB/08A are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The Examiner is requested to make these documents of record.

#### **I. Timing of the Information Disclosure Statement:**

This Information Disclosure Statement is filed:

- With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge

Deposit Account No. 50-2518 for any fees required pursuant to  
37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

This Information Disclosure Statement is filed:

After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

This Information Disclosure Statement is filed:

After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

**II. Copies of the Cited Items:**

- Copies of all of the items listed on the attached Form PTO/SB/08A are enclosed.
- Copies of only the following items listed on the attached PTO/SB/08 are enclosed: \_\_\_\_\_.
- Copies of the items listed in the attached Forms PTO/SB/08 are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. \_\_\_\_\_ filed \_\_\_\_\_ and relied upon in this application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).
- Copies of those items which are marked with an asterisk (\*\*) in the attached Form PTO/SB/08 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

**III. Concise Explanation of Relevance:**

- A concise explanation of relevance of the items listed on Form PTO/SB/08A is not given.
- A concise explanation of relevance of [some of] the items listed on PTO/SB/08 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

**IV. Related Applications:**

- Applicants bring to the Office's attention the following related, co-pending application(s):

PATENT  
259/012  
(24729-7075)  
Serial No. 09/713,749

**V. Conclusion:**

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO/SB/08A with initials or other appropriate marks. The Commissioner is hereby authorized to charge Deposit Account No.: 50-2518, billing reference number: 259/012 (24729-7075) for any additional fees required in connection with the filing of this Supplemental Information Disclosure Statement.

Respectfully submitted,

**BINGHAM MCCUTCHEN LLP**

Dated: March 31, 2003

By:   
William A. English  
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Substitute for form 1449/PTO

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

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Complete if Known

Application Number	09/713,749
Filing Date	November 14, 2000
First Named Inventor	Daniel M. La FONTAINE, et al.
Art Unit	3739
Examiner Name	Ahmed M. Farah

Attorney Docket Number 259/012 (24729-7075)

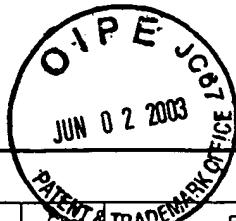
## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number – Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US-623,022	04-11-1899	R. P. Johnson	
	2	US-2,043,083	06-02-1936	F. C. Wappler	
	3	US-3,473,087	10-14-1969	Winton Lloyd Slade	
	4	US-3,543,760	12-01-1970	Lee R. Bolduc	
	5	US-3,642,008	02-15-1972	Lee R. Bolduc	
	6	US-3,659,588	05-02-1972	Alan R. Kahn, et al.	
	7	US-3,680,544	08-01-1972	James P. Shinnick, et al.	
	8	US-3,720,209	03-13-1973	Lee R. Bolduc	
	9	US-3,807,391	04-30-1974	Lee R. Bolduc	
	10	US-4,058,116	11-15-1977	Louis Bucalo	
	11	US-4,116,198	09-26-1978	Eberhard Roos	
	12	US-4,248,231	02-03-1981	Andrew Hertzog, et al.	
	13	US-4,326,529	04-27-1982	James D. Doss, et al.	
	14	US-4,492,367	02-21-1984	Gregory H. Piesinger	
	15	US-4,641,649	02-10-1987	Paul Walinsky, et al.	
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	18	US-4,699,147	10-13-1987	Donald A. Chilson, et al.	
	19	US-4,785,815	11-22-1988	Donald Cohen	
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	22	US-4,896,671	01-30-1990	A. David Cunningham, et al.	
	23	US-4,922,912	05-08-1990	Hideto Watanabe	
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	27	US-4,966,597	10-30-1990	Eric R. Cosman	
	28	US-4,974,595	12-04-1990	Björn Nordenström	
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	30	US-4,985,028	01-15-1991	Jeffrey M. Isner, et al.	
	31	US-5,056,517	10-15-1991	Riccardo Fenici	
	32	US-5,083,565	01-28-1992	David J. Parins	
	33	US-5,104,393	04-14-1992	Jeffrey M. Isner, et al.	
	34	US Re. 33,925	05-12-1992	Thomas O. Bales, et al.	
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	36	US-5,122,138	06-16-1992	Kim H. Manwaring	
	37	US-5,167,659	12-01-1992	Naoki Ohtomo, et al.	
	38	US-5,300,069	04-05-1994	Daniel Hunsberger, et al.	

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## **FOREIGN PATENT DOCUMENTS**

**EXAMINER'S FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cited Document No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> – Number <sup>4</sup> – Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	39	GB-1,033,971	06-22-1966	Willy Rüscher		
	40	EP-0,223,023	05-27-1987	Giampaolo Serafini		
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REVIEW

Examiner's Signature		Date Considered	
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

*If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.*